

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,

v.

AMAN HASSAN YEMER,
Defendant

Case No. 1:17-cr-00270

Honorable Leonie M. Brinkema

**MEMORANDUM IN SUPPORT OF MOTION TO SEAL
DEFENDANT'S NOTICE OF FILING AND EXHIBIT**

Aman Hassan Yemer, by counsel, moves this Honorable Court pursuant to Local Crim. R. 49, for entry of an Order permitting Defendant's Notice of Filing and accompanying exhibit to be filed under seal.

ARGUMENT

Defendant's Notice of Filing and accompanying exhibit should be sealed because both documents contain confidential medical information. It is true that judicial proceedings are generally open to the public and that there exists, while not a First Amendment right, a common-law right of public access to judicial records and documents. *Media Gen. Operations, Inc. v. Buchanan*, 417 F.3d 424, 429 (4th Cir. 2005) (citing *Balt. Sun Co. v. Goetz*, 886 F.2d 60, 64-65 (4th Cir. 1989)). The presumption of the right of access can be rebutted if countervailing interests heavily outweigh the public interests in access. *Virginia Dep't of State Police v. Washington Post*, 386 F.3d 567, 575 (4th Cir. 2004). The party seeking to overcome the presumption bears the burden of showing some significant interest that outweighs the presumption. *Id.* at 575. Ultimately the decision to seal is a matter best left to the sound discretion of the district court. *Washington Post*, 386 F.3d at 575.

Here, sealing is necessary to protect the confidential medical information contained in the Notice and exhibit. Specifically, both documents contain confidential information such as medical diagnoses, third-party medical provider names, and other sensitive information.

CONCLUSION

WHEREFORE, Defendant respectfully requests that the Court enter the attached Order permitting Defendant's Notice of Filing and accompanying exhibit to be filed under seal.

Respectfully Submitted,

AMAN HASSAN YEMER,
By Counsel

_____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of November 2022, I filed the foregoing pleading through the ECF system, which shall then send an electronic copy of this pleading to all parties in this action.

_____/s/_____
Nina J. Ginsberg